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YASSEL

UNION TRADING CO.

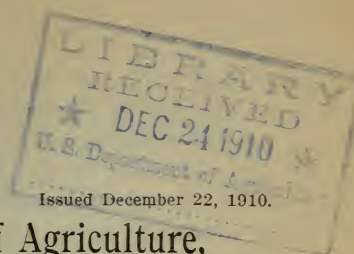
1000 LUDLOW ST.

ALBANY

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F. & D. Nos. 1503, 1514, 1545.

I. S. Nos. 8669-b, 15214-b, 15215-b.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 702, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF APPLE BUTTER.

On or about March 17, 1909, the St. Louis Syrup and Preserving Company, St. Louis, Mo., shipped from the State of Missouri to the State of Kentucky a quantity of a food product labeled "Clymer's Brand Apple Butter. Absolutely Pure, St. Louis Syrup & Preserving Co., St. Louis, Mo." and on or about November 9, 1909, said company shipped from the State of Missouri to the State of Oklahoma a quantity of apple butter, part of which was labeled "Clymer's Brand Apple Butter. Absolutely Pure, St. Louis Syrup & Preserving Co. Net 16 oz. U. S. Serial No. 8563," and part of which bore label identical with that on the shipment of March 17 above referred to. Samples of these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said St. Louis Syrup and Preserving Company and the parties from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the said shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course three criminal informations were filed in the District Court of the United States for the Eastern District of Missouri against the said St. Louis Syrup and Preserving Company charging the above shipments and alleging that the product first above mentioned was adulterated, in that it contained 6.13 per cent of glucose, which had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality, and in that the said glucose had been substituted in part for the article described in the label

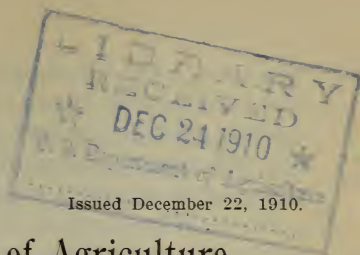
thereon above set forth, and that the said product was misbranded, in that the label thereon was false and misleading and such as to deceive and mislead the purchaser into supposing that he was buying an absolutely pure apple butter, when in truth and in fact the product was adulterated with glucose, an ingredient not contained in absolutely pure apple butter; and further alleging that the product bearing the first of the two brands mentioned as comprised in the above shipment of November 9, 1909, was adulterated, in that it contained 0.24 per cent phosphoric acid, which had been substituted in part for the article, and which had been mixed and packed with the product so as to injuriously affect its quality and strength, and that said product was misbranded, in that the label thereon was false and misleading and such as to deceive the purchaser into the belief that the article was absolutely pure as described by said label, when in truth and in fact, it contained 0.24 per cent phosphoric acid; and alleging that the product shipped on November 9 which bore the same label as that above referred to as shipped on March 17, was adulterated, in that it contained 4.9 per cent commercial glucose, which had been mixed and packed with said product so as to reduce, lower, and injuriously affect its quality, and had been substituted in part for the product, and that said product was misbranded, in that the label thereon above set forth was false and misleading and such as to deceive and mislead the purchaser into the belief that said product was absolutely pure apple butter, when in truth and in fact it was an adulterated article, as above set forth.

On October 8, 1910, the defendant entered a plea of guilty to all three of the above informations and the court imposed a fine of \$20 and costs in each of said cases.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 9, 1910.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 703, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF PRESERVES.

(COLUMBIA BRAND COMPOUND GLUCOSE PRESERVES.)

On or about August 3, 1909, the St. Louis Syrup and Preserving Company, St. Louis, Mo., shipped from the State of Missouri to the State of Kentucky a quantity of three food products labeled respectively, "Columbia Brand Compound Glucose Apple Preserves, 25% Pear Stock, 22% Apple Stock, 43% Glucose, 10% Granulated Sugar, 14 oz. Net Weight, St. Louis Syrup & Pres. Co., St. Louis"; "Columbia Brand Compound Glucose Quince-Apple Preserves, 25% Quince Stock, 22% Apple Stock, 43% Glucose, 10% Granulated Sugar, 14 oz. Net Weight, St. Louis Syrup & Pres. Co., St. Louis"; and "Columbia Brand Compound Glucose Raspberry-Apple Preserves, 25% Raspberry Stock, 22% Apple Stock, 43% Glucose, 10% Granulated Sugar, 14 oz. Net Weight, St. Louis Syrup & Pres. Co., St. Louis." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the products were adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said St. Louis Syrup and Preserving Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Missouri, charging the above shipment and alleging that the "Compound Glucose Apple

Preserves" was adulterated, in that it contained 69 per cent of glucose, whereas the label thereon stated that it was a compound containing only 43 per cent of glucose, and that it further contained 0.16 per cent of phosphoric acid, the presence of which was not declared upon the label thereof, said excessive glucose and said phosphoric acid having been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and having been substituted in part for the article; and that said product was misbranded, in that the label thereon was false and misleading and such as to deceive and mislead the purchaser into the belief that the product consisted wholly of the substances mentioned upon said label, to wit, pear stock, apple stock, glucose, and granulated sugar, when in truth and in fact it contained 69 per cent glucose instead of 43 per cent as set forth on said label, and in addition 0.16 per cent of phosphoric acid, which was not mentioned upon said label; alleging that the "Compound Glucose Quince-Apple Preserves" was adulterated, in that it contained 64 per cent of glucose, whereas the label thereon stated that it was a compound containing only 43 per cent of glucose, and in that it contained 0.16 per cent of phosphoric acid, the presence of which was not declared on said label, said glucose in excess of that declared upon the label and said phosphoric acid having been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and having been substituted in part for the article described in the label thereon, and that said product was misbranded, in that the label thereon was false and misleading and such as to deceive and mislead the purchaser into the belief that the product consisted wholly of the things or substances mentioned upon the said label, to wit, quince stock, apple stock, glucose, and granulated sugar, when in truth and in fact it contained 64 per cent of glucose, whereas the label thereon stated that it only contained 43 per cent thereof, and also contained 0.16 per cent of phosphoric acid, which was not declared upon the label thereon above quoted; and alleging that the "Compound Glucose Raspberry-Apple Preserves" was adulterated, in that it contained 76 per cent of glucose, whereas the label thereon stated that it was a compound containing but 43 per cent of glucose and in addition it contained 0.16 per cent of phosphoric acid, the presence of which was not declared upon the label thereof, the said glucose in excess of that declared upon the label and said phosphoric acid having been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and having been substituted in part for the article described upon the label thereof, and that said product was misbranded, in that the label thereon was false and misleading and such as to mislead and deceive the purchaser into the belief that the product consisted wholly of the things or substances

mentioned upon said label, to wit, raspberry stock, apple stock, glucose, and granulated sugar, when in truth and in fact the product contained 76 per cent of glucose, whereas the label stated that it contained only 43 per cent of glucose, and it further contained 0.16 per cent phosphoric acid, the presence of which was not declared upon the label thereon above quoted.

On October 8, 1910, the defendant pleaded guilty to the above information and the court imposed a fine of \$60 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 9, 1910.*



Issued December 22, 1910.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 704, FOOD AND DRUGS ACT.

MISBRANDING OF CHEESES.

On or about September 23, 1910, Crosby & Meyers, Chicago, Ill., shipped from the State of Illinois to the State of Alabama ninety-five cheeses contained in boxes, each of which boxes was branded "Rufus Sanders—Vandiver Grocery Co., Montgomery, Alabama—N. 7-467—Striped Cheese is surely full cream. Others may be;" one of said boxes having the number "19" marked on the side of the box to indicate that it contained 19 pounds of cheese; seven of said boxes having the number "20" so marked to indicate that said boxes each contained 20 pounds of cheese; twenty-seven of said boxes having the number "21" so marked to indicate that the said boxes each contained 21 pounds of cheese; thirty-five of said boxes having the number "22" so marked to indicate that the said boxes each contained 22 pounds of cheese; twenty of said boxes having the number "23" so marked to indicate that the said boxes each contained 23 pounds of cheese; and five of said boxes having the number "24" so marked to indicate that said boxes each contained 24 pounds of cheese.

Examinations of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Middle District of Alabama.

In due course a libel was filed in the District Court of the United States for said district against the said ninety-five boxes of cheese, charging the above shipment and alleging that the product so shipped was misbranded in that the weights of said cheeses were not plainly and correctly stated on the outside of said boxes, said cheeses being short in weight in the entire lot in the amount of 108 pounds and 7 ounces, to wit, the contents of one of said boxes falling short 5 ounces of the weight indicated by the figures marked on the side of said box; the contents of one of said boxes falling

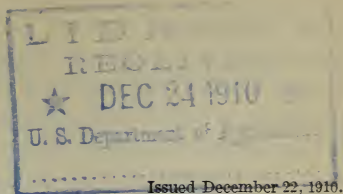
short 6 ounces; the contents of three of said boxes each falling short 8 ounces; the contents of four of said boxes each falling short 9 ounces; the contents of three of said boxes each falling short 10 ounces; the contents of two of said boxes each falling short 11 ounces; the contents of four of said boxes each falling short 12 ounces; the contents of five of said boxes each falling short 13 ounces; the contents of three of said boxes each falling short 14 ounces; the contents of seven of said boxes each falling short 15 ounces; the contents of six of said boxes each falling short 1 pound; the contents of three of said boxes each falling short 1 pound and 1 ounce; the contents of two of said boxes each falling short 1 pound and 2 ounces; the contents of nine of said boxes each falling short 1 pound and 3 ounces; the contents of seven of said boxes each falling short 1 pound and 4 ounces; the contents of six of said boxes each falling short 1 pound and 5 ounces; the contents of four of said boxes each falling short 1 pound and 6 ounces; the contents of one of said boxes falling short 1 pound and 7 ounces; the contents of one of said boxes falling short 1 pound and 8 ounces; the contents of four of said boxes each falling short 1 pound and 9 ounces; the contents of five of said boxes each falling short 1 pound and 10 ounces; the contents of three of said boxes each falling short 1 pound and 11 ounces; the contents of six of said boxes each falling short 1 pound and 12 ounces; the contents of three of said boxes each falling short 1 pound and 13 ounces; and the contents of one of said boxes falling short 1 pound and 15 ounces; and praying seizure, condemnation, and forfeiture of the product.

Thereupon the above-mentioned Crosby & Meyers entered their appearance and filed a claim to the ownership of the said boxes of cheese, and the case coming on for hearing, the court, being fully informed in the premises, issued its decree finding the said boxes of cheese to be misbranded as to the statement of weights branded thereon, and condemning the product. It appearing to the court, however, that the costs in these proceedings had been paid and a good and sufficient bond filed by said claimants conditioned that the said ninety-five boxes of cheese should not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act of June 30, 1906, it was ordered that the marshal of said district release the said boxes of cheese and restore the same to said claimants.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *November 15, 1910.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 705, FOOD AND DRUGS ACT.

MISBRANDING OF CHEESE.

On or about September 20, 1910, A. C. Dow & Co., Chicago, Ill., shipped from the State of Illinois to the State of Alabama seventy cheeses contained in boxes, each of which boxes was branded "Dow's Full Cream—Little Jersey (picture of cow with sign **D** printed across body)—U—2478—8—H. M. Hobbie Gro. Co., Montgomery, Ala.;" forty of said boxes having the number "23" marked on the side of said boxes to indicate that they each contained 23 pounds of cheese; twenty-nine of said boxes having the number "22" so marked on the sides thereof to indicate that each of such boxes contained 22 pounds of cheese, and one box having the number "25" marked on the side of same to indicate that said box contained 25 pounds of cheese.

Examination of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Middle District of Alabama.

In due course a libel was filed in the District Court of the United States for said district against the said seventy cheeses, charging the above shipment and alleging that the product so shipped was misbranded in that the weights of said cheeses were not plainly and correctly stated on the outside of the boxes aforesaid, said cheeses being short in weight in the entire lot in the amount of 65 pounds, to wit, the contents of three of said boxes each falling short one-fourth of a pound of the weight indicated on the sides of said boxes by the figures hereinbefore set forth; the contents of eleven of said boxes

each falling short one-half pound; the contents of nineteen each falling short three-fourths of a pound; the contents of fifteen each falling short 1 pound; the contents of ten each falling short $1\frac{1}{4}$ pounds; the contents of seven each falling short $1\frac{1}{2}$ pounds; the contents of one falling short $1\frac{3}{4}$ pounds; the contents of one falling short $2\frac{1}{4}$ pounds, and the contents of one falling short 2 pounds; and praying seizure, condemnation, and forfeiture of the product. Thereupon the above-mentioned A. C. Dow & Co. entered their appearance and filed a claim to the ownership of said seventy cheeses, and the case coming on for hearing, the court being fully informed in the premises, issued its decree finding said seventy boxes of cheese to be misbranded as to the statement of weight branded on said boxes, and condemning the product. It appearing to the court, however, that the costs in this case had been paid and a good and sufficient bond filed by the claimants to the effect that the seventy boxes of cheese should not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act of June 30, 1906, it was ordered that the marshal of said district release the said seventy boxes of cheese and restore same to the aforesaid claimants.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *November 15, 1910.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 706, FOOD AND DRUGS ACT.

ADULTERATION OF OLIVE OIL.

On or about May 13, 1910, A. Fiore, doing business as A. Fiore & Co., New York City, shipped from the State of New York into the State of New Jersey a food product contained in a can labeled "Olio Sopraffino Stella Brand Olive Oil and Salad Oil—A Blend. Stella Brand Olio. The contents of this can comprise a compound of olive oil and a specially refined product of salad oil pressed from cotton seed, canned in conformity with the Pure Food Law of the United States. Sopraffino." Samples from the above shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said A. Fiore and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

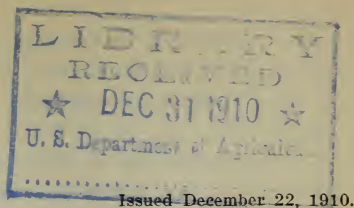
In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said A. Fiore, doing business as A. Fiore & Co., charging the above shipment and alleging that the product so shipped was adulterated in that the label on said can regarding the ingredients and substances contained therein was false and misleading and would indicate to the purchaser that the can as aforesaid contained pure Italian olive oil, whereas in truth and in fact said can contained 75 per cent of cotton-seed oil.

On October 24, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 7, 1910.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 707, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT.

(BREAK-UP-THE-GRIP TABLETS.)

On or about January 25, 1909, John D. Langham, Holley, N. Y., shipped from the State of New York to the State of Michigan a quantity of a drug product labeled "Break-Up-The-Grip Tablets, for la grippe, colds, headache, all forms of neuralgia, rheumatic and malarial pains, price 25 cents. Manufactured by J. D. Langham, Holley, N. Y. The great laxative grippe cure; cures colds and grippe in one day. We claim these tablets to be the best in the world for la grippe, colds, headaches, and all pains and fevers where pleasant and speedy relief is desired. They leave no depressing results so common to most remedies now on the market, which are recommended for these complaints. They will break up la grippe, colds, headache and neuralgia promptly and save you hours of pain. Dose. One or two tablets. Repeat in one, two, or three hours, as may be required by the nature and severity of the affection for which they are taken. Children $1/2$ to one tablet, according to age. Will cure headache in ten minutes." On the end of the boxes containing this product there were stamped in small, indistinct type by means of a rubber stamp: "Each tablet contains 2 grs. acetanilid." With said product, there was packed a printed circular of directions, relating and referring to said product, which said circular bore, among other statements, the following, to wit: "Break-Up-The-Grip Tablets, a new, pleasant and safe remedy for the cure of la grippe and all pains. They will positively cure la grippe, neuralgia, headache (in all forms), rheumatic pains, malarial pains, etc.; they contain no injurious ingredients and we warrant them to give satisfaction or money will be refunded."

Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said John D. Langham and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Western District of New York against the said John D. Langham, charging the above shipment, and alleging that the product so shipped was misbranded in that the statement upon the label above set forth that said product "will cure headache in ten minutes", was false because said product could not remove the cause of the headache, and could not cure headache in ten minutes or in any other time, and could not even relieve headaches due to certain causes, such as brain tumors, heart disease, uraemia, or meningitis, said statement conveying a false impression to the public, in that the statement above quoted, that the preparation in question "cures colds and grippe in one day" was false because said preparation could not cure or "kill" colds or the grippe in one day, said statement conveying to the public the idea that the tablets had a peculiar virtue in curing colds and the grippe in one day, whereas they had no such peculiar virtues; in that the statement above quoted referring to the product as "the great laxative grippe cure", was false and misleading, because it conveyed to the public the representation that the product would cure the grippe, whereas said preparation contained no ingredients and possessed no virtue which justified the statement that it would cure the grippe; in that the tablets constituting the product in question contained an approximate average of 1.85 grains of acetanilid instead of 2 grains of acetanilid as indicated on said label; in that the quantity or proportion of acetanilid contained in said tablets was not declared on the principal label thereof; in that the statement upon the printed circular above referred to that said tablets were "a new, pleasant and safe remedy for the cure of la grippe, neuralgia, headaches (all forms), rheumatic pains, malarial pains, etc.", was false and misleading because said tablets would not cure grippe, neuralgia, or all or any forms of headache, rheumatic pains, or malarial pains, and in that the statement upon said tablets that "they contain no injurious ingredients" was false, for the reason that said tablets contained acetanilid, a drug which is injurious to the human system.

On October 11, 1910, the defendant entered a plea of not guilty to the above information, but two days later withdrew said plea and substituted therefor a plea of guilty, whereupon the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *November 15, 1910.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 708, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT.

(STANLEY'S INSTANT HEADACHE CURE.)

On or about February 3, 1909, Stanley K. Pierson, Le Roy, N. Y., shipped from the State of New York to the State of Michigan a quantity of a drug product labeled "Stanley's Instant Headache cure for Headache in all its forms, neuralgic, rheumatic, grippe, muscular pains of malaria and disordered stomach and in all cases where speedy and pleasant relief from pain is desired. Price 10 cents. Prepared by Stanley K. Pierson, Le Roy, N. Y. Each tablet contains 2 2/3 grs. ascetenoid. Cures where other remedies fail; contains no injurious drug, and is perfectly harmless; the effect is speedy and sure. Guaranteed under the Pure Food and Drugs Act June 30, 1906, Serial No. 1929", and packed with the product there was a printed circular of directions relating and referring to said product, which said circular bore, among other statements, the following, to wit: "Stanley's Instant Headache Cure, for all kinds of headache, neuralgia, rheumatism, la grippe, malaria, disordered stomach, nervousness, etc., and in all cases where speedy relief from pain and fever is desired. Also unexcelled in pneumonia."

Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Stanley K. Pierson and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Western District of New York against the said Stanley K. Pierson, charging the above shipment, and alleging that the product so shipped was misbranded in that the statement upon the label above referred to, "Stanley's Instant Headache Cure, for headache in all its forms, neuralgia, rheumatism, la grippe, muscular pains of malaria and disordered stomach", was false, in that said product could not remove the causes of the said indispositions, and could not cure any form of headache instantly, or in any period of time, and could not even relieve headaches due to certain causes, such as brain tumors, uraemia or meningitis, and could not cure la grippe or the muscular pains of malaria, said statement conveying a false impression to the public; in that the statement upon the label aforesaid that "each tablet contains $2\frac{2}{3}$ grs. ascetenloid", was false and misleading, because said tablets constituting the product in question contained acetanilid and not ascetenloid; in that the statement upon the label aforesaid that the product "contains no injurious drugs and is perfectly harmless" was false and misleading because said tablets contained acetanilid and caffenin, which are injurious to the human system, and in that the statement upon the printed circular above referred to that said tablets are "unexcelled in pneumonia" was false and misleading because said tablets are excelled by other remedies in the treatment of pneumonia and because in the treatment of pneumonia where there is systematic depression the use of said product would be dangerous to life itself.

On October 11, 1910, defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *November 15, 1910.*

Issued December 22, 1910.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 709, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT.

(SHERMAN'S HEADACHE CURE.)

On or about February 1, 1909, Orator F. Woodward, Le Roy, N. Y., shipped from the State of New York to the State of Michigan a quantity of a drug product contained in cartons labeled "Sherman's Headache Cure, Trade Mark Registered in U. S. Patent Office; with other valuable ingredients, each capsule contains 2 grs. of acetanilid, prepared for Orator F. Woodward, Le Roy, N. Y. See directions on bottle inside. Sherman's Headache Cure, Guaranteed under the Food and Drugs Act, June 30, 1906, No. 95. Sherman's Headache Cure is for sick or nervous headache, neuralgia, and sleeplessness."

Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made thereon showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Orator F. Woodward and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Western District of New York against the said Orator F. Woodward, charging the above shipment and alleging that the product so shipped was misbranded in that the name appearing in the label upon the cartons above referred to, to wit, "Sherman's Headache Cure", was misleading because said preparation was not a cure for headache and because said preparation could not cure headache or neuralgia or sleeplessness, for the reason that it could not remove the cause of such indispositions.

On October 11, 1910, the defendant entered a plea of guilty to the above information, and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *November 15, 1910.*